

STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re:

Andrew Daignault

Petition No. 860602-33-002

CONSENT ORDER

WHEREAS, Andrew Daignault of Bethel, Connecticut has been issued license number I-766 to install subsurface sewage disposal systems by the Department of Health Services pursuant to Chapter 393a of the General Statutes of Connecticut, as amended; and

WHEREAS, Andrew Daignault hereby admits and acknowledges that:

1. In 1977 he applied for an Installer Aprentice permit for his son, Daniel Daignault.
2. Pursuant to §20-341d of the Connecticut General Statutes it was his duty to supervise the work of Daniel Daignault.
3. In December 1983, Daniel Daignault repaired and/or constructed a subsurface sewage disposal system at 4 Marion Street, in Danbury, Connecticut.
4. At the time said system was repaired and/or constructed:
 - (a) no plan was submitted to the local health department;
 - (b) no permit to repair and/or construct was obtained;
 - (c) the local health department was not contacted for a final inspection; and
 - (d) no as-built plan was submitted.
5. He failed to properly supervise the subsurface sewage disposal system installation work of his son, Daniel Daignault.

6. By his conduct as set forth in paragraphs 1. though 5. above, he engaged in conduct which violated §20-341f(d) of the Connecticut General Statutes.

NOW THEREFORE, pursuant to §19a-17 and §20-341f(d) of the Connecticut General Statutes, Andrew Daignault hereby stipulates and agrees to the following:

1. That he waives his right to a hearing on the merits of this matter.
2. That his license #1-766, to install subsurface sewage disposal systems in Connecticut is hereby revoked.
3. The revocation of his subsurface sewage disposal system installer license shall be stayed provided:
 - (a) he takes and passes the Connecticut State licensure examination for subsurface sewage disposal system installers and
 - (b) he satisfies all other licensing requirements of Chapter 393a of the General Statutes of Connecticut.
4. If the revocation is stayed he shall be placed on probation for two years from the date of said stay subject to the following terms and conditions:
 - (a) he shall not install, construct or repair a subsurface sewage disposal system or supervise the installation, construction or repair of a subsurface sewage disposal system unless:
 - (1) he submits a plan to the local health department;
 - (2) he obtains a permit from the local health department to install, construct or repair the system;

- (3) the local health department inspects the system after it has been installed, constructed or repaired; and
 - (4) he submits to the local health department an as-built plan for said system.
- (b) during the period of probation he shall prepare a list of all subsurface sewage disposal systems which he installs, constructs or repairs. Said list shall include the name of the property owner, location of the property, including street address and town, date permit obtained, date system completed, and date(s) system inspected by local health department. Said list shall be submitted each month to:

Frank Schaub
Department of Health Services
On Site Sewage Disposal Section
150 Washington Street
Hartford, CT 06106

- (c) during the period of probation he shall not be permitted to apply to the Department of Health Services for an apprentice installer permit on behalf of another person, and he shall not be permitted to supervise the work performance of an apprentice installer.
- 5. Violation of any of the conditions set forth in paragraphs 4.a. through 4.c. without prior written approval of the Department of Health Services shall result in an immediate two year suspension of his subsurface sewage disposal system installer license.
 - 6. He understands that during the period of probation the Department of Health Services may require the town sanitarian or other duly authorized town official in those towns where the respondent has installed, constructed or repaired subsurface sewage disposal systems to provide a report on the quality of the respondent's work.

7. That he understands that this Consent Order is a matter of public record.
8. That nothing in this Consent Order shall be construed as limiting the powers of the Department of Health Services pursuant to §4-182(c) of the Connecticut General Statutes.
9. That he understands that this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Connecticut Board (1) in which his compliance with this same order is at issue, or (2) in which his compliance with §20-341f(d) of the General Statutes of Connecticut, as amended, is at issue.
10. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that said order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive him of any rights that he may have under the laws of the State of Connecticut or of the United States.
11. That this Consent Order is effective when accepted and approved by the Department of Health Services.
12. That he understands that he has the right to consult with an attorney prior to signing this document.

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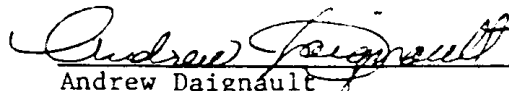
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I, Andrew Daignault, have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Andrew Daignault

Subscribed and sworn to before me this 1st day of October 1987.


Notary Public or person authorized
by law to administer an oath or
affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Health Services on the 19th day of October 1987, it is hereby ordered and accepted.


Stanley K. Peck, Director
Division of Medical Quality Assurance

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